

**REMARKS**

The specification has been amended. Claims 1, 5, 18, and 22 have been amended. No new matter has been introduced with these amendments, which are supported in the specification as originally filed. Claims 1 - 25 remain in the application.

I. Rejection under 35 U.S.C. §102

Paragraph 2 of the Office Action dated September 17, 2004 (hereinafter, "the Office Action") states that Claims 1, 3 - 5, 7, 14, 18 - 20, 22, 23, and 24 are rejected under 35 U.S.C. §102(e) as being anticipated by Creswell et al. (U.S. 6,775,690). This rejection is respectfully traversed.

Referring first to independent Claims 7, 20, and 24, Applicants respectfully submit that the Office Action fails to make out a *prima facie* case of anticipation as to these claims. The final limitation of these claims specifies "... requiring the selected one to be rendered to the recipient if so" (emphasis added). This "requiring" term has been omitted from the analysis presented in the Office Action. See p. 3, lines 8 - 9. Creswell has no teaching of requiring a selected message to be rendered when an evaluation of received messages has determined that this selected message is time-sensitive. In contrast, lines 4 - 6 of Claim 7 specify that the message is required to be rendered if an evaluation thereof determines that the message is time-sensitive. Claims 20 and 24 specify that a selected message is required to be rendered if that message is time sensitive and its time period of time-sensitivity has been reached. (See lines 4 - 6 of Claim 20 and lines 5 - 9 of Claim 24.)

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The cited text from col. 4, lines 9 - 15 and col. 3, lines 56 - 59 of Creswell merely teaches that time-dependent messages are delivered from a processor 41 at a messaging server 40 to a recipient's communications device 30 when an internal clock 42 at the messaging server 40 has a value matching a value in the message. A playback device 60, located at the messaging server 40, "delivers the email message to the recipient at communications device 30". (Col. 4, lines 11 - 15.) This cited text teaches time-dependent delivery. This is distinct from time-sensitive rendering, to which Applicants' Claims 7, 20, and 24 are directed. See, for example, lines 9 - 15 on p. 3 and lines 8 - 18 on p. 4 of Applicants' specification, which explains that messages, once received by a recipient, might -- or might not -- be opened with urgency. Thus, while Creswell teaches delivering a message according to time-dependent information, there is no teaching of requiring any time-sensitive rendering of that message.

Creswell's Claim 1 also specifies a time-dependent sending of a message to a recipient. See col. 6, lines 66 - 67. Independent Claim 19 is similar, specifying that the message is sent to the recipient based on its time code. See col. 8, lines 51 - 52.

See also col. 5, lines 32 - 37, discussing the processing of time-dependent messages at messaging server 40, and delivery of messages when the time code of the message and the server's internal clock match. While col. 5, lines 45 - 51 discuss acknowledgement from recipients, there is no teaching that the recipient viewed the message (i.e., that the message was rendered to the recipient) during its period of time-dependency.

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For example, the messaging server 40 might determine that a message should be delivered, and provide an "on time" delivery of that message, yet the recipient might choose to ignore the received message for an arbitrarily-long time. Col. 5, line 55 - col. 6, line 2 discusses this scenario, and teaches that the sender may have specified other versions of the message, where one of these other versions can be sent after the initial time-dependent period has passed without receiving a timely acknowledgement from the recipient. See Fig. 2, where the path through blocks 130 ("no" branch), 140 ("no" branch), 130 ("yes" branch), 160, 170 ("yes" branch), 180, and 200 correspond to this scenario. See also col. 4, lines 46 - 57, where the providing of alternative versions of a message is discussed.

Creswell's independent Claim 16 also specifies that the time limit pertains to when a message is "to be made available" to a recipient, and that alternate actions are specified that are "to be taken if the message is not received by the recipient within the predetermined time limit" (emphasis added). See col. 8, lines 4 - 8. This is distinct from Applicants' Claims 7, 20, and 24, which require that the message be rendered to the recipient under specified conditions. Creswell's independent Claim 18 (see col. 8, lines 21 - 27) is similar to his Claim 16, and further specifies that the message is "played back" to the recipient "when requested by the recipient" (col. 8, line 33 - 35). Again, the recipient in Creswell's approach might allow an arbitrary amount of time to pass before requesting the message playback (in contrast to the approach specified in Applicants' invention).

Accordingly, Applicants respectfully submit that their independent Claims 7, 20, and 24

and dependent Claim 14 are not anticipated by Creswell.

Referring now to independent Claims 1, 18, and 22, Applicants have amended these claims to more clearly indicate that the time-sensitive marking of a message is "such that when the marked message is received at a computing device of the recipient, it will automatically be rendered to the recipient within a time period of the time-sensitivity" (emphasis added).

Creswell fails to teach this approach to his time-dependent messages: as discussed above, Creswell teaches time-dependent delivery of messages. Accordingly, Applicants respectfully submit that their independent Claims 1, 18, and 22 and dependent Claims 3 - 5, 19, and 23 are not anticipated by Creswell.

The Examiner is therefore respectfully requested to withdraw the §102 rejection.

II. Rejection Under 35 U.S.C. §103(a)

Paragraph 4 of the Office Action states that Claims 2, 6, 8 - 13, 17, 21, and 25 are rejected under 35 U.S.C. §103(a) as being unpatentable over Creswell et al., and further in view of Johnson et al. (U.S. 5,325,310). Paragraph 5 of the Office Action states that Claims 15 and 16 are rejected under 35 U.S.C. §103(a) as being unpatentable over Creswell et al., and further in view of Lee et al. (U.S. 6,212,553). These rejections are respectfully traversed.

Creswell fails to teach limitations of Applicants' independent Claims 1, 7, 18, 20, 22, and 24, as discussed above. Accordingly, dependent Claims 2, 6, 8 - 13, 17, 21, and 25 are deemed

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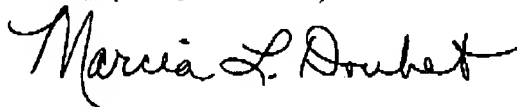
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patentable over the references by virtue of the allowability of the independent claims. The Examiner is therefore respectfully requested to withdraw the §103 rejection.

III. Conclusion

Applicants respectfully request reconsideration of the pending rejected claims, withdrawal of all presently outstanding rejections, and allowance of all claims at an early date.

Respectfully submitted,



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